

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Frank A. Howell **GROUP:** 3677
SERIAL NO: 10/822,549 **EXAMINER:** Ruth C. Rodriguez
FILED: 04/12/2004
FOR: RAPID ATTACHMENT BUCKLE

**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

REPLY BRIEF

This brief is in reply to the Examiner's Answer mailed on September 13, 2006 as supplemented by the second Examiner's Answer mailed on October 23, 2006.

STATUS OF CLAIMS

Claims 1 and 8-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dillin (U.S. 5,417,729). The previous rejection of claims 8-14 under 35 U.S.C. §102(b) as being anticipated by Scholey (U.S. 5,970,585) has been withdrawn. Claims 2-7 are withdrawn.

Claims 1 and 8-15 remain the subject of this appeal.

GROUND'S OF REJECTION TO BE
REVIEWED ON APPEAL

Appellant requests review of the Examiner's rejection under 35 U.S.C. §102(b) of claims 1 and 8-15 as being anticipated by Dillin (U.S. 541,729).

ARGUMENT

Claims 1 and 8-15 are not anticipated by Dillin for at least the following reasons:

Claim 1

Claim 1 includes the following limitation:

“said flanges having undersides configured to accommodate receipt of said end tab in said receiving channel via said entry end, and to releasably wedge said end tab in and prevent withdrawal of said end tab from said receiving channel via said exit end.”
(emphasis added).

With reference to Figure 3, the flanges 38 are shown as having undersides 42, 44 and the wedged insertion of the end tab 28' is shown in Figure 8.

The term “wedge” is defined as:

“to force or drive (an object) into something where it is tightly held”
Webster's Third New International Dictionary, 1993.

The examiner's rejection of claim 1 is based in part on the observation that in Dillin,

“The flanges have undersides receiving the end tab in the receiving channel via the strap entry end and to releasably wedge the end tab and prevent withdrawal of the end tab from the receiving channel via the exit end”
(Examiner's Supplemental Answer, p.4, lines 7-9).

But that statement is not supported by and in fact is contrary to Dillin's disclosure. In Dillin, the knot M is indeed engaged within the counterbore H of the recess F. This engagement prevents the cord E from slipping inwardly into the recess F. However, the cord is prevented from slipping outwardly by the bight N, and not by any wedged relationship between the knot and the counterbore or recess.

This is clearly explained in Dillin as follows:

“Especial attention is called to the function attained by having the bight N acting in conjunction with the knot M, the cord E being thereby from slipping outwardly owing to said bight, or inwardly, owing to said knot”

(lines 57-62).

There simply is no disclosure or suggestion in Dillin of wedging the knot M in place in the counterbore H of recess F. The examiner’s contrary interpretation is in error.

Claim 8

Claim 8 should be allowed for the reasons set forth above with respect to claim 1.

Claim 9

Contrary to the position taken by the examiner, there is neither a disclosure nor a suggestion in Dillin that the converging surface of the counterbore H slopes downwardly to frictionally retain the knot M in recess F. That result is achieved by the bight N, as discussed above.

Claim 10

In the examiner’s second answer, at page 7, lines 7-8, the “slot” is described as being “defined by the two free ends of the head C as seen in Figure 4.” On page 9 of the same answer, at lines 12-14, the examiner “acknowledges that the top surfaces of the flanges define a constant width therebetween.”

Appellant agrees, since this clearly establishes, as additionally shown in Dillin’s Figure 4, that the slot cannot have converging sections.

The examiner’s observation that “the claim only recite (sic) a width but it does not provide any details on where the width is measured” (second answer, page 9, lines 9-10) is not understood. The claim specifically states that the slot has a maximum width at the

entry end of the receiving channel with converging sections leading to a reduced width at an intermediate location along the length of the channel. This language is supported by the description in the specification at page 5, lines 11-13 and Figure 2 (maximum width W_m , reduced width W_r).

Dillin's slot plainly lacks this slot configuration.

Claim 11

Dillin's cord E is not a strap, and Dillin fails to disclose a strap with a shoulder extending transversely across its width. There is no disclosure in Dillin of stop surfaces on the undersides of flange buckles engageable with a non-existent shoulder on cord E.

Claim 12

Claim 12 should be allowed for the reasons set forth above with respect to claim 9.

Claims 13 and 14

Claims 13 and 14 should be allowed for the reasons set forth with respect to claims 1 and 9.

Claim 15

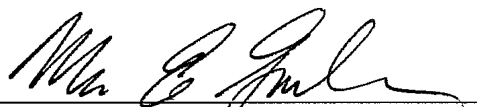
The eye B and throat D in Dillin are not a transversely extending slots.

CONCLUSION

For the reason's set forth in appellant's appeal brief, as supplemented by this reply brief, the examiner's rejection of claims 1 and 8-15 should be reversed and this application passed to issue.

The Commissioner is authorized to charge Deposit Order Account No. 19-0079 for any further fee that is required or credit this account for any overpayment that is received in connection with the accompanying Response for the referenced application.

Respectfully submitted,



Maurice E. Gauthier
Registration No. 20,798
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension: 113